



**Agenda Item Number:** \_\_\_\_\_

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

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**Meeting Date:** August 24, 2010

**Department:** Zoning, Building, and Planning **Staff Contact:** Mari Simbaña, Program Planner

**TITLE:** CONSENT: Special Use Permit for Beauty Shop and Day Spa (CSU-20100018)

### **COUNTY PLANNING COMMISSION RECOMMENDATION:**

Approval

### **SUMMARY:**

At the July 7, 2010 public hearing, the County Planning Commission voted (4-1; Commissioner McMahan opposed; Commissioners Castillo and Sanchez, excused) to recommend approval for a Special Use Permit to include, beauty shop and day spa on Lot 4-A-2, Tres Puntos Del Sol Subdivision, located at 143 NM State Road 333, zoned R-1 with a Special Use Permit for Specific Use for Offices for therapeutic use, and containing approximately 0.80 acres. The decision was based on the following nine (9) Findings and subject to the following twenty (20) Conditions.

#### **Findings:**

1. This is a request for an amendment to a Special Use Permit to include beauty shop and day spa on Lot 4-A-2, Tres Puntos Del Sol Subdivision, located at 143 NM State Road 333, zoned R-1 with a Special Use Permit for Specific Use for Offices for therapeutic use, and containing approximately 0.80 acres.
2. The property is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. This request is a result of a zoning violation in that the property was being operated as a Beauty Salon without the proper zoning.
4. This request is consistent with Resolution 116-86, in that this land use is more advantageous to the community because it encourages local business enterprises that complement residential areas and reduce the need to travel as articulated in Policies 3.g, 6.a, 6.b & 6.g of the Albuquerque/Bernalillo County Comprehensive Plan.
5. This request is consistent with the East Mountain Area Plan (Economic and Commercial Development Policies 9.3 and 9.4) in that it maintains a community scale commercial use and provides the opportunity for local employment.
6. There is substantial neighborhood support for this request.

7. Unique conditions exist with regard to the site in that the request will maintain the historic nature of the structures for commercial purposes, which originally dates back to the 1940's.
8. The existing structures on this site have been considered for historical eligibility by the New Mexico Historic Preservation Division (refer to letter attached to this report).
9. This request is consistent with the health, safety, and general welfare of the residents of the County.

Conditions:

1. Prior to any business activity, the applicant must obtain a Certificate of Occupancy for commercial activity following the final site plan approval from the Zoning Administrator.
2. A solid fence at least six feet high shall be erected on the westside, up to the rock retaining wall, within 120 days of final Board of County Commissioners approval.
3. Applicant shall maintain a five-foot wide front yard landscape buffer on the south side of the property abutting the frontage road.
4. The applicant shall comply with the Bernalillo County Noise Ordinance. No outdoor speakers or amplified sound systems shall be permitted. Ambient noise levels shall be measured on property boundaries in accordance with Bernalillo County Code, Section 30-115.
5. Lighting shall be site-specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots.
6. Instructional and professional education classes for natural therapeutics shall be limited to six (6) classes per year with eight (8) sessions per class and a maximum of (12) participants allowed per class. The adjacent recognized neighborhood association shall be notified seven days prior to a class session being held.
7. The hours of operation shall be Monday through Saturday from 8:00 a.m. to 6:00 p.m. with the exception of two nights per week during which activity will be allowed until 9:30pm., and one Sunday a month from 8:00 a.m. to 6:00 p.m.
8. The solid waste receptacle shall be adequately screened from public view within a solid enclosure.
9. A detailed drawing of the proposed signage, meeting the O-1 requirements, shall be included on the site plan.
10. The applicant shall meet all requirements of the Bernalillo County Office of Environmental Health in regards to water and waste water systems.
11. Each business owner operating a use within the subject site shall obtain a Business License. The necessary business registration procedures shall be completed within sixty

(60) days of final approval from the Board of County Commissioners. [Article II (Business Registration Fee) Bernalillo County Code].

12. Within thirty (30) days of final approval from the Board of County Commissioners, the applicant shall obtain the appropriate permits for the placement and operation of the water tank on the site. The water tank shall be shown on the final Site Plan.
13. Within sixty (60) days of final approval from the Board of County Commissioners, applicant must construct a 30 foot driveway to frontage road and construct a 20 foot asphalt apron.
14. Within sixty (60) days of final approval from the Board of County Commissioners, the applicant shall submit a Traffic Impact Analysis to the Bernalillo County Public Works Division for review and approval. The applicant shall provide a copy of final approval to the Zoning Administrator for inclusion with the corresponding file.
15. Within sixty (60) days of final approval from the Board of County Commissioners, the applicant shall submit a Grading and Drainage Plan to the Bernalillo County Public Works Division for review and approval. The applicant shall provide a copy of final approval to the Zoning Administrator for inclusion with the corresponding file.
16. All business operators shall coordinate with their clients on how and where to access the business in order to minimize impact on neighbors especially at night.
17. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
18. This Special Use Permit shall be issued for 10 years.
19. Three copies of the revised site plan including all structures and consistent with the conditions of approval shall be submitted for review and approval to the Zoning Administrator within 30 days from the date of final Board of County Commissioners approval.
20. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit, and shall be strictly complied to within one year.

#### **ATTACHMENTS:**

1. County Planning Commission Notice of Decision Letter (July 13, 2010)
2. County Planning Commission Information Packet
3. Site Plan (Commissioners Only)

## **STAFF ANALYSIS SUMMARY**

### **ZONING, BUILDING AND PLANNING DEPARTMENT:**

Staff recommends approval